

United States Bankruptcy Court

For the NORTHERN District of IOWA
IN RE: RATH PACKING COMPANY,
Debtor.

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

Chapter 11

DEC 23 1988

Case No. 83-02293

BARBARA A. EVERLY, CLERK

THE RATH PACKING COMPANY and
BLACK HAWK COUNTY ECONOMIC
DEVELOPMENT COMMITTEE, INC., Plaintiff
v.
RED OWL STORES, INC. Defendant

Adversary Proceeding No. X87-0032W

JUDGMENT

☐ This proceeding having come on for trial or hearing before the court, the Honorable William L. Edmonds, United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

[OR]

☒ The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing, per stipulation of the parties

IT IS ORDERED AND ADJUDGED:

that plaintiffs Rath Packing Company and Black Hawk County Economic Development Committee, Inc. are entitled to judgment against defendant Red Owl Stores, Inc. in the amount of \$29,500 on the above-entitled matter. All claims for amounts in excess of \$29,500 are hereby dismissed with prejudice and Red owl shall have no further liability under the above-entitled matter.

IT IS FURTHER ORDERED that payment of said amount by defendant to Black Hawk or to Rath or to both shall constitute payment in full of all sums owed by defendant to either or both plaintiffs.

IT IS FURTHER ORDERED that each party shall bear its own costs and attorneys' fees.

cc: Steven D. Moore,
Atty. for Plaintiffs
Bonnie Wilkins and
Minor Barnes,
Atty. for Defendant
U. S. Trustee BARBARA A. EVERLY

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on 12/23/88, *Jm*

Clerk of Bankruptcy Court



[Seal of the U.S. Bankruptcy Court]

Date of issuance: 12-23-88

Law: M. L. ...

Satisfaction filed

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DISTRICT

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

DEC 23 1988

IN RE:)
RATH PACKING COMPANY,)
Debtor)
-----)
THE RATH PACKING COMPANY and)
BLACK HAWK COUNTY ECONOMIC)
DEVELOPMENT COMMITTEE, INC.,)
Plaintiffs,)
vs.)
RED OWL STORES, INC.,)
Defendant.)

Chapter 11
Bankruptcy No. 83-02293

Adversary No. X87-0032W

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The parties to the above-captioned litigation have entered a Stipulation of Settlement and Dismissal to settle this action.

Based upon this Stipulation and the entire file in this matter, the Court makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Defendant purchased product from plaintiff Rath Packing Company ("Rath") during the period November 1, 1983 through June, 1984.
2. Rath filed for bankruptcy on November 1, 1983.
3. Rath was ordered to and did deliver all its trade accounts receivable to plaintiff Black Hawk Economic Development Committee, Inc., ("Black Hawk") by an order of this Court dated November 28, 1986.

4. Defendant owes on its trade account with Rath the sum of Twenty-nine Thousand Five Hundred Dollars (\$29,500.00), and only such sum.

5. Defendant has agreed to pay said amount directly to plaintiff Black Hawk and plaintiffs have agreed to release their claims against Red Owl.

CONCLUSIONS OF LAW

1. Plaintiffs Rath Packing Company and Black Hawk County Economic Development Committee, Inc. are entitled to judgment against defendant Red Owl Stores, Inc. in the amount of \$29,500 on the above-entitled matter. All claims for amounts in excess of \$29,500 are hereby dismissed with prejudice and Red Owl shall have no further liability under the above-entitled matter.

2. Payment of said amount by defendant to Black Hawk or to Rath or to both shall constitute payment in full of all sums owed by defendant to either or both plaintiffs.

3. Each party shall bear its own costs and attorneys fees.

ORDER

1. IT IS HEREBY ORDERED that plaintiffs Rath Packing Company and Black Hawk County Economic Development Committee, Inc. are entitled to judgment against defendant Red Owl Stores, Inc. in the amount of \$29,500 on the above-entitled matter. All claims for amounts in excess of \$29,500 are hereby dismissed with prejudice and Red Owl shall have no further liability under the above-entitled matter.

2. It is further ordered that payment of said amount by defendant to Black Hawk or to Rath or to both shall constitute payment in full of all sums owed by defendant to either or both plaintiffs.

3. It is further ordered that each party shall bear its own costs and attorneys fees.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

DATED: 12/23/88

William L. Edmonds
William L. Edmonds
Judge, U.S. Bankruptcy Court

cc: Steven D. Moore
Bonnie Wilkins and
Minor Barnes
U. S. Trustee
on 12/23/88, *gm*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN (EC) DIVISION

JAN 11 1989

BARBARA A. EVERLY, CLERK

IN RE:)
)
THE RATH PACKING COMPANY,) Chapter 11
) Bankruptcy No. 83-02293
)
Debtor,)
-----)
THE RATH PACKING COMPANY and)
BLACK HAWK COUNTY ECONOMIC)
DEVELOPMENT COMMITTEE, INC.,)
)
Plaintiffs,) Adversary No. X87-0032W
vs.)
)
RED OWL STORES, INC.,)
)
Defendant.)

SATISFACTION OF JUDGMENT

WHEREAS, on December 23, 1988 a judgment was recovered by the plaintiffs, The Rath Packing Company and Black Hawk County Economic Development Committee, Inc., against the defendant, Red Owl Stores, Inc., in the above entitled action for the sum of \$29,500.00 (which sum includes interest); and

WHEREAS, said judgment has been fully paid to the plaintiffs.

THEREFORE, satisfaction of the said judgment is hereby acknowledged and the clerk of the court is hereby authorized and directed to cancel and discharge the same.

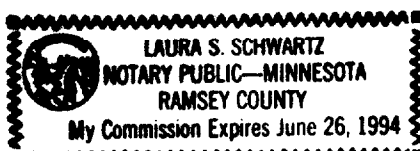
Dated JANUARY 3, 1989.

BLACK HAWK HOLDINGS, INC., f/k/a
THE RATH PACKING COMPANY

By [Signature]

By [Signature]

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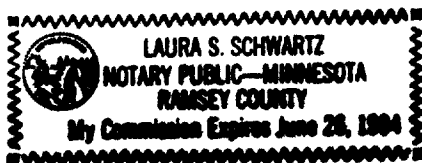
BLACK HAWK COUNTY ECONOMIC
DEVELOPMENT COMMITTEE, INC.

By Rachel Fulton
Rachel Fulton, President

By Ruth B. Anderson
Ruth B. Anderson, Secretary

STATE OF MINNESOTA)
) ss:
COUNTY OF RAMSEY)

On this 3rd day of January, 1989, before me, the undersigned, a Notary Public in and for the State of Minnesota, personally appeared Dobson West and James Ladner, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of Black Hawk Holdings, Inc., f/k/a The Rath Packing Company, executing the within and foregoing instrument; that (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said President and Secretary as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

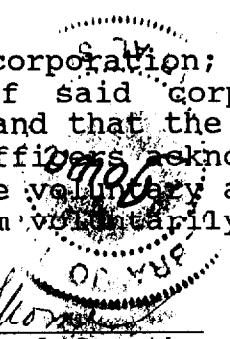


Laura S. Schwartz
Notary Public in and for the
State of Minnesota
January 3, 1989

STATE OF IOWA)
) ss:
COUNTY OF BLACK HAWK)

On this 6th day of January, 1989, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rachel Fulton and Ruth B. Anderson, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, Black Hawk County Economic Development Committee, Inc., executing the within and foregoing instrument; that no seal

has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Rachel Fulton and Ruth B. Anderson as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.


Delma Jo Thomas
Notary Public in and for the
State of Iowa